IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.923 OF 2006
IN
CRIMINAL APPEAL NO.629 OF 2006

Yashwant Santosh Borde ...Applicant
vs.
State of Maharashtra ...Respondent

WITH
CRIMINAL APPLICATION NO.696 OF 2006
IN
CRIMINAL APPEAL NO.629 OF 2006

Kamal Santosh Borde ...Applicant
vs.
The State of Maharashtra ...Respondent

Mr. Vikas Shivarkar for the Applicant
Ms S.V.Gajare,A.P.P. for State

CORAM: A.S.OKA,J.
DATE : SEPTEMBER 19,2006.

P.C.:

1. Heard Advocates appearing for the parties. The Appeal against the conviction has been admitted. The Applicants have been convicted for offences punishable under sections 498-A read with Section 34, section 306 read with section 34, section 495 read with section 34 of the Indian Penal Code. The substantive sentences are ordered to run concurrently. The maximum substantive sentence awarded is of R.I. for five years.

2. I have perused the notes of evidence and impugned Judgment and order. My attention has also been invited to the dying declaration at Exh.23 allegedly signed by the deceased. The learned Trial Judge has relied upon the oral dying declaration

made by the deceased to the parents and has discarded the document at Exh.23. The statement at exh.23 shows that the deceased has made no allegations against the Applicants.

3. The age of the Applicants in Criminal Application No.923 of 2006 is stated to be only 20 years. The Applicant in Criminal Application No.696 of 2006 is a woman whose age is stated to be 38 years. The Applicants were on bail through out the trial and no allegations have been against the Applicants as regards misuse of the liberty granted.

4. Considering the facts and circumstances of the case, the Applicants deserve to be enlarged on bail. Hence, I pass the following order :

i) The Criminal Application Nos.923/2006 and 696/2006 are allowed. The Applicants in both the Applications shall be enlarged on the same bail on which they were enlarged during the pendency of the trial subject to filing fresh bailbonds.

ii) Bail is granted subject to the condition that the Applicants will mark attendance on every first and third Saturday of every calendar month with Wanvadi Police Station, Pune till the disposal of the Appeal.

JUDGE